

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-1255-AIR-E **TCEQ ID:** RN102879442 **CASE NO.:** 34366**RESPONDENT NAME:** Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Love's County Store 214, 12800 Horizon Boulevard, El Paso, El Paso County</p> <p><b>TYPE OF OPERATION:</b> Gasoline dispensing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> C T Corporation System, Registered Agent, Love's Travel Stops &amp; Country Stores, Inc., 350 N. St. Paul Street, Dallas, TX 75201 Mr. Doug Stussi, CFO, Love's Travel Stops &amp; Country Stores, Inc., P.O. Box 26210, Oklahoma City, OK 73126-0210 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	
<b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review  <b>Date(s) of Complaints Relating to this Case:</b> None  <b>Date of Investigation Relating to this Case:</b> June 13, 2007  <b>Date of NOV/NOE Relating to this Case:</b> July 26, 2007 (NOE)  <b>Background Facts:</b> This was a routine investigation. One violation was documented.  <b>AIR</b>  The Respondent allowed the transfer of gasoline at a motor dispensing site which had a Reid Vapor Pressure ("RVP") greater than 7.0 maximum pounds per square inch absolute ("psia") during the control period of June 1st until September 16th. Specifically, the "regular" sample taken from pump no. 4 on June 13, 2007, had a test result of 8.15 psia, the "mid-grade" sample had a test result of 7.98 psia, and the "premium" sample had a test result of 7.60 psia [30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	<b>Total Assessed:</b> \$3,660  <b>Total Deferred:</b> \$732 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay  <b>SEP Conditional Offset:</b> \$0  <b>Total Paid to General Revenue:</b> \$2,928  <b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <b>Applicable Penalty Policy:</b> September 2002	<b>Ordering Provisions:</b>  The Order will require the Respondent to:  a. Not later than 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1 <sup>st</sup> and September 16 <sup>th</sup> of each year shall not exceed 7.0 psia; and  b. Not later than 45 days after the effective date of this Agreed Order, submit written certification of compliance, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

<b>DATES</b>	<b>Assigned</b>	30-Jul-2007	<b>Screening</b>	6-Aug-2007	<b>EPA Due</b>	
	<b>PCW</b>	6-Aug-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214		
<b>Reg. Ent. Ref. No.</b>	RN102879442		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	34366	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1255-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Harvey Wilson
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **22% Enhancement** **Subtotals 2, 3, & 7** **\$660**

**Notes** A 22% enhancement is recommended because the Respondent has received an Administrative Order with denial and a non similar NOV.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** **\$4** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$100** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,660**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** **\$3,660**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$3,660**

**DEFERRAL** **20% Reduction** **Adjustment** **-\$732**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,928**

Screening Date 6-Aug-2007

Docket No. 2007-1255-AIR-E

PCW

Respondent Love's Travel Stops &amp; Country Stores, Inc. dba Love's Cr

Policy Revision 2 (September 2002)

Case ID No. 34366

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102879442

Media [Statute] Air

Enf. Coordinator Harvey Wilson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

A 22% enhancement is recommended because the Respondent has received an Administrative Order with denial and a non similar NOV.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 22%

Screening Date 6-Aug-2007

Docket No. 2007-1255-AIR-E

PCW

Respondent Love's Travel Stops &amp; Country Stores, Inc. dba Love's Country Si

Policy Revision 2 (September 2002)

Case ID No. 34366

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102879442

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 115.252(2) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

The Respondent allowed the transfer of gasoline at a motor dispensing site which had a Reid Vapor Pressure ("RVP") greater than 7.0 maximum pounds per square inch absolute ("psia") during the control period of June 1st until September 16th. Specifically, the "regular" sample taken from pump no. 4 on June 13, 2007, had a test result of 8.15 psia, the "mid-grade" sample had a test result of 7.98 psia, and the "premium" sample had a test result of 7.60 psia.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

95 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$3,000

Three events are recommended (One event for each grade of non-compliant gasoline).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

## Economic Benefit Worksheet

**Respondent** Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214  
**Case ID No.** 34366  
**Reg. Ent. Reference No.** RN102879442  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	13-Jun-2007	1-Mar-2008	0.7	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of implementing procedures designed to ensure the required RVP is maintained. Date required is the date of the investigation. Final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

# Compliance History

Customer/Respondent/Owner-Operator: CN601101173 Love's Travel Stops & Country Stores, Inc. Classification: AVERAGE Rating: 2.08

Regulated Entity: RN102879442 LOVES COUNTRY STORE 214 Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1053P  
 PETROLEUM STORAGE TANK REGISTRATION 44280  
 IHW CORRECTIVE ACTION ID NUMBER T1940

Location: 12800 HORIZON BLVD, EL PASO, TX, 79928 Rating Date: September 01 06  
 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO

Date Compliance History Prepared: August 02, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 02, 2002 to August 02, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Harvey Wilson Phone: 239-0321

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? #
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- N/A Effective Date: 07/13/2007 ADMINORDER 2006-2041-AIR-E  
 Classification: Moderate
- Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)
- Description: Failure to comply with 30 TAC, Chapter 114.100(a), Oxygenated fuel requirement.
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |          |
|----|------------|----------|
| 1  | 08/14/2002 | (2878)   |
| 2  | 03/14/2003 | (27070)  |
| 3  | 03/20/2003 | (14071)  |
| 4  | 06/23/2003 | (119397) |
| 5  | 11/20/2003 | (255143) |
| 6  | 07/28/2004 | (281432) |
| 7  | 10/27/2004 | (337980) |
| 8  | 06/26/2005 | (380305) |
| 9  | 11/10/2006 | (518541) |
| 10 | 01/11/2007 | (535673) |
| 11 | 06/29/2007 | (561325) |
| 12 | 07/25/2007 | (565655) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/02/2007 (561325)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain the Stage II vapor recovery system in proper operating condition.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LOVE'S TRAVEL STOPS &  
COUNTRY STORES, INC. DBA  
LOVE'S COUNTRY STORE 214  
RN102879442**

§ **BEFORE THE**  
§  
§  
§ **TEXAS COMMISSION ON**  
§  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1255-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214 ("Love's Country Stores") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Love's Country Stores appear before the Commission and together stipulate that:

1. Love's Country Stores owns and operates a gasoline dispensing station at 12800 Horizon Boulevard in El Paso, El Paso County, Texas (the "Station").
2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Love's Country Stores agree that the Commission has jurisdiction to enter this Agreed Order, and that Love's Country Stores is subject to the Commission's jurisdiction.
4. Love's Country Stores received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Love's Country Stores of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Three Thousand Six Hundred Sixty Dollars (\$3,660) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Love's Country Stores has paid Two Thousand Nine Hundred Twenty-Eight Dollars (\$2,928) of the administrative penalty and Seven Hundred Thirty-Two Dollars (\$732) is deferred contingent upon Love's Country Stores' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Love's Country Stores fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Love's Country Stores to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Love's Country Stores have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Love's Country Stores has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Station, Love's Country Stores is alleged to have allowed the transfer of gasoline at a motor dispensing site which had a Reid Vapor Pressure ("RVP") greater than 7.0 maximum pounds per square inch absolute ("psia") during the control period of June 1<sup>st</sup> – September 16th, in violation of 30 TEX. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 13, 2007. Specifically, the "regular" sample taken from pump #4 had a test result of 8.15 psia, the "mid-grade" sample had a test result of 7.98 psia, and the "premium" sample had a test result of 7.60 psia.

## **III. DENIALS**

Love's Country Stores generally denies each allegation in Section II ("Allegations").

[illegible]

1.5. *Objectives* – The purpose of this study is to determine the effect of the use of the *Journal of the American Dietetic Association* (JADA) on the knowledge and attitudes of dietitians in the United States. The objectives of this study are to:

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Love's Country Stores pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Love's Country Stores' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214, Docket No. 2007-1255-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Love's Country Stores shall undertake the following technical requirements:
  - a. Not later than 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1<sup>st</sup> and September 16<sup>th</sup> of each year shall not exceed 7.0 psia;
  - b. Not later than 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:



Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Ave., Ste 560  
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Love's Country Stores. Love's Country Stores is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Love's Country Stores fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Love's Country Stores' failure to comply is not a violation of this Agreed Order. Love's Country Stores shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Love's Country Stores shall notify the Executive Director within seven days after Love's Country Stores becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Love's Country Stores shall be made in writing to the Executive Director. Extensions are not effective until Love's Country Stores receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Love's Country Stores in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Love's Country Stores, or three days after the date on which the Commission mails notice of the Order to Love's Country Stores, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

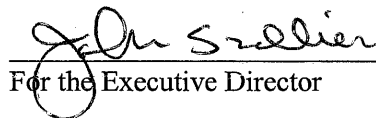




## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

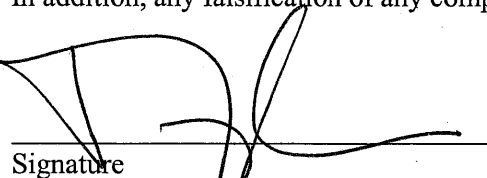
12/7/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

10-10-07  
\_\_\_\_\_  
Date

Doug Stassi  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Love's Travel Stops & Country Stores, Inc.  
Dba Love's Country Store 214

ENV-CFO  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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